

**REGULAR MEETING OCTOBER 21, 2014:** The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, October 21, 2014 at 7:00 p.m.

**PRESENT:** City Manager Jeff Mikorski, Assistant City Manager Glen Kelly, and City Attorney Steve Fanok, City Clerk Linda Tucker, Mayor Selin, Deputy Mayor Marti Shamberger and Council Members: Ron Bane, Bill Kawecki, Wes Nugent, Mike Fike, and Nancy Ganz.

The Meeting was called to order by Mayor Selin.

**APPROVAL OF MINUTES:** The minutes of the regular meeting of October 7, 2014, were approved as printed.

**CORRESPONDENCE:** Mayor Selin presented a Proclamation for Municipal Government Week and then Mayor Selin and Council members read letters from students from Eastwood Elementary School with the title being "If I were Mayor, I would".

Richard Lockhart from Castro & Harris gave a presentation on the M650 optical scanner for voting purposes.

Councilor Fike read a letter from Jan Derry, City Human Rights Commission, in regards to a Resolution in Support of the Employment and Housing Non-Discrimination Act in West Virginia Legislature. **(EXHIBIT A ATTACHED)**

**PUBLIC HEARING - THE CREATION OF THE CITY OF MORGANTOWN REDEVELOPMENT DISTRICT NO. 4 AND APPROVAL OF A PROJECT PLAN FOR WILLEY-SPRUCE-BROCKWAY REDEVELOPMENT PROJECT NO.1 AND ISSUANCE OF TAX INCREMENT FINANCING OBLIGATIONS.**

James Giuliani, 256 Prairie Avenue, thanked City administration in the effort of moving forward with the Willey-Spruce-Brockway Redevelopment Project. He noted that it will enrich that side of town and also bring us into the 21<sup>st</sup> century. Mr. Giuliani also noted that he is quite invested in the area of the Redevelopment Project and would like to give any input he can into this project.

Patricia Bunner, 637 Brockway Avenue, opposed the Willey-Spruce-Brockway Redevelopment Project No. 1. She expressed that she could possibly be relocated by future development and would not be able to move because of her medical condition. She noted that her house has been rehabbed specifically to meet the requirements of the Historic District for Greenmont Association, although the houses located north and south of her do not meet the historic requirements and never were required to do so. She also stated that there are homes in her area that are uninhabitable and should be demolished.

There being no appearances, Mayor Selin declared the Public Hearing closed.

**PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN ADDING A NEW ARTICLE 160 TO ITS ADMINISTRATIVE CODE CREATING A MORGANTOWN HOUSING ADVISORY COMMISSION.**

James Giuliani, 256 Prairie Avenue, agreed that it's a good idea to have a board like this although noted that he's apprehensive that things will not move forward being that the board was created in 2008 and has not been productive as it should have. He suggested that we streamline Boards and Commissions.

There being no appearances, Mayor Selin declared the Public Hearing closed.

**PUBLIC HEARING - AN ORDINANCE AMENDING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN (LESSOR) AND MERKOL, INC., (LESSEE) REGARDING RESTAURANT SPACE LOCATED AT THE MORGANTOWN MUNICIPAL AIRPORT.**

There being no appearances, Mayor Selin declared the Public Hearing closed.

**PUBLIC HEARING - AN ORDINANCE AMENDING SECTION 925.03 OF THE CITY OF MORGANTOWN'S STREETS, UTILITIES AND PUBLIC SERVICES CODE BY SETTING FORTH THE RATES, FEES AND CHARGES FOR SERVICE TO CUSTOMERS OF THE SEWERAGE SYSTEM OF THE CITY OF MORGANTOWN.**

There being no appearances, Mayor Selin declared the Public Hearing closed.

**PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 923.06 AND 923.13 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE, AS THE SAME APPLIES TO INDUSTRIAL WASTES DISCHARGED INTO THE SEWER SYSTEM AND ANCILLARY SERVICES REGARDING INDUSTRIAL WASTES.**

There being no appearances, Mayor Selin declared the Public Hearing closed.

**UNFINISHED BUSINESS:**

**AN ORDINANCE BY THE CITY OF MORGANTOWN ADDING A NEW ARTICLE 160:**

The below entitled Ordinance was presented for second reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN ADDING A NEW ARTICLE 160 TO ITS ADMINISTRATIVE CODE CREATING A MORGANTOWN HOUSING ADVISORY COMMISSION.

Motion by Kaweck, second by Shamberger to amend verbiage in the above entitled Ordinance, motion carried 7-0. Question was called, motion by Kaweck, second by Ganz to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE AMENDING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN (LESSOR) AND MERKOL, INC., (LESSEE):** The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN (LESSOR) AND MERKOL, INC., (LESSEE) REGARDING RESTAURANT SPACE LOCATED AT THE MORGANTOWN MUNICIPAL AIRPORT.

Motion by Nugent, second by Bane, to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE AMENDING SECTION 925.03 OF THE CITY OF MORGANTOWN'S STREETS, UTILITIES AND PUBLIC SERVICES CODE:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING SECTION 925.03 OF THE CITY OF MORGANTOWN'S STREETS, UTILITIES AND PUBLIC SERVICES CODE BY SETTING FORTH THE RATES, FEES AND CHARGES FOR SERVICE TO CUSTOMERS OF THE SEWERAGE SYSTEM OF THE CITY OF MORGANTOWN.

After explanation from City Manager, motion by Bane, second by Nugent, to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 923.06 AND 923.13 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 923.06 AND 923.13 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE, AS THE SAME APPLIES TO INDUSTRIAL WASTES DISCHARGED INTO THE SEWER SYSTEM AND ANCILLARY SERVICES REGARDING INDUSTRIAL WASTES.

After discussion, motion by Shamberger, second by Ganz, to adopt the above entitled Ordinance. Motion carried 7-0.

**BOARDS AND COMMISSIONS:** City Clerk, Linda Tucker, announced that there will be a vacancy for the BZA and noted that she did receive two applications and both did not comply with State Code. Council Members further discussed on how the reappointment process should proceed in the future. Tim Ball from MUB recommended in a memorandum that he would like Council to reappoint Ron Bane to serve on the board for MUB. After discussion, Ron Bane was reappointed to MUB Board with a 6-1 vote. Bane Abstained from voting since he is a member of the MUB Board.

**PUBLIC PORTION:**

James Giuliani, 256 Prairie Avenue, spoke about the outcomes of the last BZA meeting. He noted that there were four administrative appeals and that the newspaper didn't do a very good job in clarifying the appeals. Mr. Giuliani went on to try and clarify the four administrative appeals and touched on topics such as developments of significant impact, and developments of major significant impact. Mr. Giuliani stated that there are zoning issues and that the City does not follow its own rules. He also mentioned that we need more meetings and work sessions to resolve the zoning issues.

Patricia Bunner, 637 Brockway Avenue, directed her comments to the Chief of Police. She spoke about the power of words and how to use words wisely. She also noted that everyone needs to calm down and communicate softly and without confrontation.

Evan Hanson, 295 High Street, representing Safe Streets Morgantown, thanked Council again for passing the "Heavy Truck Ordinance" and wanted to make sure that Council is requesting and receiving periodic updates from the legal counsel on the progress that's being made so the Ordinance will in fact take affect December 1, 2014. He expressed that he just wants to ensure that the City is being proactive in implementing the Ordinance and defending it if necessary. Mr. Hanson posed a few questions to Council that Safe Streets of Morgantown wanted them to keep in mind. He also stated that many residents and downtown business owners are looking forward to the Ordinance being implemented in the downtown area.

Ron Justice, WVU Representative, former Mayor of Morgantown, stated that WVU is working on changing the culture in having a zero tolerance to this kind of behavior. Justice noted that the students that were cited should be expelled and the City and WVU should work together with follow-up meetings with dialogue for solutions for the future. He then introduced Corey Farris, Dean of WVU Student Affairs for further comments. Mr. Farris noted before pointing to alcohol as “the 800 pound gorilla in the room.” He would be supportive of Legislatures imposing restrictions on bars on hours and age requirements for patrons. Farris explained that he is being charged by WVU President Gordon Gee to identify what actions should be taken. Farris promised Council that those that think they are coming to Morgantown for disruption, they better get the message that it is not tolerated and no one wants it anymore.

Mayor Selin requested the rules be suspended for discussion and questions with WVU Representatives Ron Bane and Corey Farris concerning the Baylor Event.

George Capek, WVU Student Government Representative, mentioned an event on October 25<sup>th</sup> called “National Make a Difference Day” inviting the community to assist SGA in a Downtown clean-up. He noted that he is humiliated at what happened this past weekend and suggested getting students more engaged in the community.

**SPECIAL COMMITTEE REPORTS:** No Reports

**NEW BUSINESS:**

**AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A MEMORANDUM:** The below entitled Ordinance was presented for first reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN IT AND THE WV DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, FOR INSTALLATION OF A BICYCLE LANE ALONG NORTHBOUND U.S. 19(MONONGAHELA BOULEVARD), BETWEEN EIGHTH STREET AND EVANSDALE DRIVE.

After explanation from City Manager, motion by Bane, second by Fike, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

**RESOLUTION SUBMITTING A TIF APPLICATION TO CREATE AND ESTABLISH A REDEVELOPMENT DISTRICT:** The above entitled Resolution was presented for approval.

RESOLUTION SUBMITTING A TIF APPLICATION TO CREATE AND ESTABLISH A REDEVELOPMENT DISTRICT TO BE KNOWN AND DESIGNATED AS THE “CITY OF MORGANTOWN REDEVELOPMENT DISTRICT NO. 4” (THE TIF DISTRICT”)

After City Manager explanation, motion by Bane, second by Kaweck, to adopt the above entitled Resolution. Motion carried 7-0.

**CITY MANAGER’S REPORT:**

**NEW BUSINESS:**

The Mayor suspended the rules with consensus of Council to hear Chief Preston give a briefing on this past weekend's incidents after the Baylor football game. Discussion followed the briefing on more effective ways to protect citizens and manage any future critical situations that may occur.

## **1. FY Annual Reports of Police & Fire Pension Funds**

Mr. Mikorski stated that the 2014 annual reports for Police and Fire Pension Funds need approval by Council. He noted that the reports are necessary to allow the State to release the insurance tax allocation that gets placed into the Pension Funds. Mr. Mikorski stated that he reviewed the reports and recommend City Council to approve the pension reports.

Motion by Bane, second by Kawecki, to approve the Police and Fire Pension Fund Reports. Motion carried 7-0.

## **2. Salt purchase for 2014**

Mr. Mikorski stated that last winter the City of Morgantown expended approximately 2,800 tons of salt on City streets, nearly depleting the supply of salt on-hand. He noted that salt bids were advertised earlier in the year, and the City of Morgantown received responses from three salt companies, two of which provided a "No Bid" response. He mentioned that the lone bidder prices was Cargill Salt who bid on our "Option 2" Magnesium chloride treated salt at a rate of \$99.97/ton, an increase of \$26/ton from last year. He stated that we are purchasing 1,500 tons of treated salt for a total of \$149,955. He recommended City Council approve the purchase of 1,500 tons of treated salt from Gargill Salt Company for a total of \$149,955.

After discussion from Council, motion by Fike, second by Ganz to approve Salt purchase. Motion carried 7-0.

**REPORT FROM CITY CLERK:** No Report

**REPORT FROM CITY ATTORNEY:** No Report

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane:

Councilor Bane stated that we should take a look at a possible impact fee to be added to WVU student's tuition to help keep up with the growth in Morgantown.

Councilor Kawecki:

Councilor Kawecki mentioned that the Sunny Side Up Committee discussed on how they can improve the Third Street intersection. He also expressed that he is very disheartened to the fact that we try to improve the areas where the students mostly reside and yet they destroy and disrespect property in and around the City. Councilor Kawecki stated that he supports the City Manager on how the City handled the recent unfortunate

events after the Baylor Game. He mentioned that he went to a “Bad Building” meeting in Huntington and expressed that it was one of the best conferences he has ever been to. He noted that Rivertown took a group up to Pittsburgh to look at some conceptual ideas to bring back to our City for Riverfront development.

Councilor Nugent:

Councilor Nugent stated that in reference to the aftermath of the Baylor game that he was disgusted, and depressed. He expressed that it takes a community to make an adult. Councilor Nugent thanked everyone on the front lines in such a challenging situation. He stated that this young society we have in Morgantown is alcohol fueled and violence driven and that’s something we are all going to have to work together on. Councilor Nugent stated that we need to take our Community back and work together and in doing so and that we need to address it beforehand next time there is an event of such magnitude. He also stated that from now on a zero tolerance policy is now in effect in regards to arson and violence.

Councilor Shamberger:

Councilor Shamberger stated that we need to be really careful on what type of financial plan we come up with. She also noted that the negative merchandise businesses are selling about our City needs to stop and hopes we can work on that. Councilor Shamberger announced that on November 7<sup>th</sup> and every first Friday of the month that Woodburn School will be hosting a Spaghetti dinner for \$5.00 and concert to help raise money for the school. She also mentioned that on the section of Willey in front of the Dairy Mart there is a pedestrian crosswalk and a lot of people walk across it but is hard to identify and suggested that we should consider putting flashing lights there to warn vehicles coming down from the hill that there are pedestrians there.

Councilor Fike:

Councilor Fike stated that he appreciates his colleges and their comments and also shares their concerns and fears; however from the depths of despair and disappointments Councilor Fike is optimistic that we will see good things happen if we work together. He noted that he is encouraged by social media due to the fact that 360,000 people responded to a respectable mountaineer tweet. Councilor Fike noted that he would like to see the Habitat for Humanity “Building Permit Fees” on the Agenda for the next Committee of the Whole Meeting.

Councilor Ganz:

Councilor Ganz announced that the Suncrest Neighborhood Association Meeting will be held on Thursday, October 23rd, at the Calvary Baptist Church at 6:30 p.m. She encouraged student government to go to the vendors that are selling the t-shirts that encourage bad behavior and tell them not to sell them but to sell positive shirts instead. Councilor Ganz mentioned that she would like an update from the City departments on progress made in regards to the Baylor game and how they are going to handle future games and financials at the next Committee of the Whole Meeting.

Mayor Selin:

Mayor Selin stated that she would like to put on the Agenda of the next Committee of the Whole Meeting “How to make public information more accessible”. She noted that student government requested to work on issues in regards to after game action. Mayor Selin mentioned that she also went with the Rivertown group to Pittsburgh and gained positive feedback to bring back to Morgantown. She expressed that she is very proud of all the public entities developing and maintaining their area for public use. Mayor Selin announced the following events: Vintage Theater, Rustic Mechanicals, Halloween inspired Shakespeare Show on October 24<sup>th</sup>; Farmers Market, October 25<sup>th</sup>; Motown

Throw-down, October 25<sup>th</sup>; Botanic Garden Tree Walk, October 26<sup>th</sup>; Trick-or-Treat Downtown, October 28<sup>th</sup>; Smithsonian Institute Hometown Teams Exhibit, October 5<sup>th</sup> - November 15<sup>th</sup>; The MAC has new instructors for guitar and theater class for October and November.

**EXECUTIVE SESSION:** Pursuant to West Virginia Code Section 6-9A-4(b) (9) of the West Virginia code to consider matters involving attorney/client privileges. Motion by Bane, second by Nugent to go into Executive Session for attorney/client privileges. Motion carried by unanimous consent. Present in Executive Session: Council, City Attorney, City Manager and Assistant City Manager. Time: 10:30pm.

**ADJOURNMENT:** There being no further items of business or discussion, the meeting adjourned by unanimous consent at 10:50 p.m.

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City Clerk

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Mayor

\*A FULL TRANSCRIPT OF ALL COUNCIL MEETINGS IS AVAILABLE ON DVD AT THE MORGANTOWN CITY LIBRARY.